

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN JORY BRAA,

Petitioner,

Case No. C12-1654-RSL

V.

JEFF UTTECHT.

Respondent.

ORDER DISMISSING FEDERAL HABEAS PETITION

The Court, having reviewed Mr. Braa's petition for writ of habeas corpus, the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, and the record, does hereby find and **ORDER**:

(1) The Court adopts the Report and Recommendation.

(2) Mr. Braa's petition for writ of habeas corpus (Dkt. 1) is **DISMISSED** with prejudice because Mr. Braa is not entitled to equitable tolling and the federal statute of limitations expired before he filed his present habeas petition.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is **DENIED**.

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2 Dated this 28th day of March, 2013.
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Robert S. Lasnik
ROBERT S. LASNIK
United States District Judge